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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,902	03/22/2004	Wen Liang Gao	871-011491-US (PAR)	1913
2512	7590	08/23/2006		EXAMINER
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			STAFIRA, MICHAEL PATRICK	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/805,902	GAO, WEN LIANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P. Stafira	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on remarks filed 6/9/2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1, 7, 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structural elements for producing a 2D image. As disclosed in applicant's specification the 3D image is produced by a source emitting light, which is split by an optical system into a plurality of beam paths for illuminating the target area. Applicant according to the specification produces a 2D image by using a high angle ring light and a low angle ring light such that the 2d image and the 3D image of the target area have the same optical path length from the target area to the sensor. Applicant fails to disclose elements to clearly disclose how a 2D image is produced. Therefore, its unclear and indefinite in light of the specification how a single source of emitting light can produce both 2D images and 3D images. Dependent claims 2-6, 8-12 are rejected under U.S.C. 112(2) because they hold the same deficiencies as to the independent claims. Therefore, for examination purposes the examiner is going to give no patent weight to the collection of 2D images.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al. (6,118,540) in view of Carmeli et al. (6,414,708).

In regards to claims 1, 7, and 13 Roy et al. discloses a method and apparatus for inspection comprising a source for emitting a light beam and a sensor for capturing images of a target area, and an optical system creating a plurality of paths for illuminating the target area, the optical system arranged such that a 2D image and a 3D image of the target area appear in a same focal plane for capture by the sensor and have the same optical path length from the target area to the sensor. (Abstract, Fig. 1 and 2, Col. 4: 24-67)

Roy et al. does not disclose a splitting method of a single light beam into a plurality of paths for illuminating the target, instead, Roy et al. discloses an apparatus in which multiple laser light sources with similar optical characteristics can be utilized to create multiple paths and directions on which to illuminate a target.

Carmeli et al. however discloses a method and apparatus for inspection of a target that utilizes a beam splitter within an optical system for splitting the light beam into a plurality of paths for illuminating the target. (Fig. 1, 4-1 1, Col. 6: 28-43)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the multiplicity of laser sources with a beam splitter for multi path directions of one source to allow for more compact design and uniformity in the signal.

In regards to claims 2-4 and 8-10, Roy et al. further discloses an inspection system wherein the source is a laser line generator, the sensor is an addressable camera, and the target area is a point. (Fig. 2, 8-9)

In regards to claims 5-6 and 11-12, Carmeli et al. further discloses an optical inspection system comprising first and second mirrors wherein the light beam impinges on the mirrors and is reflected onto the target from the first mirror in one direction and from the second mirror in another direction. Carmeli et al. further discloses the mirrors to be adjustable horizontally, vertically, and angularly. (Fig. 4-1 1)

#### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2877

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael P. Stafira  
Primary Examiner  
Art Unit 2877

August 16, 2006